

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2005-0961-PST-E TCEQ ID: RN102464559; CASE NO.: 25638
RESPONDENT NAME: NEPTUNE INTERNATIONAL, INC. DBA PICK N PAY

Page 1 of 3

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 2510 Berry Road, Houston, Harris County</p> <p>TYPE OF OPERATION: Convenience store with retail sales of gasoline</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on May 26, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873 TCEQ Enforcement Coordinator: Mr. Colin Barth, Waste Enforcement Section, MC 128, (513) 239-0086 TCEQ Regional Contact: Ms. Nicole Bealle, Houston Regional Office, MC R-12, (713) 767-3623 Respondent: Mr. Yusaffali Hamirani, President, Neptune International, Inc., 1720 Dulles Avenue, Sugarland, Texas 77478 Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: March 31, 2005</p> <p>Date of NOE Relating to this Case: May 20, 2005 (NOE)</p> <p>Background Facts:</p> <p>The EDPRP was filed on December 12, 2005. The Respondent requested a Financial Inability to Pay ("FIP") analysis; Financial Administration determined that the Respondent did not qualify for and FIP deferral. Settlement was achieved and a signed agreed order with initial payment was received on March 26, 2008.</p> <p>PST:</p> <ol style="list-style-type: none"> Failed to maintain the Stage II Vapor Recovery System (the "System") in proper operating condition and free of defects which would impair the effectiveness of the System, including absence or disconnection of components which are part of the approved System, as specified by the manufacture and/or any applicable California Air Resources Board ("CARB") Executive Order(s) [30 TEX. ADMIN. CODE § 115.242(3)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. Failed to verify proper operation of the System by not performing required annual and triennial testing of the System [30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 	<p>Total Assessed: \$19,950</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>Total Paid/Due to General Revenue: \$560/\$19,390</p> <p>The Respondent has paid \$560 of the administrative penalty. The remaining amount of \$19,390 of the administrative penalty shall be payable in thirty-five monthly payments of \$554 each.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provision(s):</p> <p>The Executive Director recognizes that the Respondent no longer owns the Station.</p>

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>3. Failed to maintain on-site and make immediately available for review upon request by a TCEQ representative the following records: a copy of the CARB Executive Order(s) or third-party certification(s) for the System and related components installed at the Station; a record of any maintenance conducted on the System; proof of attendance and completion of Stage II training requirements and documentation of such training for current Station employees; and a record of the results of daily inspections conducted at the Station [30 TEX. ADMIN. CODE § 115.246(1), (3), (4), (6), and (7)(A), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4. Failed to have on each pressurized delivery or product line a UL-listed emergency shutoff valve installed and securely anchored at the base of the dispenser [30 TEX. ADMIN. CODE § 334.45(c)(3)(A)].</p> <p>5. Failed to conduct effective manual or automatic inventory control for the UST system [30 TEX. ADMIN. CODE § 334.48(c)].</p> <p>6. Failed to regularly inspect, at least once every sixty (60) days, the cathodic protection system, and failing to have the cathodic protection system inspected and tested by a qualified corrosion specialist or corrosion technician within three to six months after installation and at a subsequent frequency of at least once every three years [30 TEX. ADMIN. CODE § 334.49(c)(2)(C) and (c)(4)(C), and TEX. WATER CODE § 26.3475(d)].</p> <p>7. Failed to provide proper release detection for the UST system [30 TEX. ADMIN. CODE § 334.50(b)(1)(A), (b)(2), and (b)(2)(A)(i)(III), and TEX. WATER CODE § 26.3475(c)(1) and (a)].</p>		



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	23-May-2005	Screening	31-May-2005	EPA Due	
	PCW	05-Oct-2005				

RESPONDENT/FACILITY INFORMATION

Respondent	Neptune International Inc. dba Pick N Pay		
Reg. Ent. Ref. No.	RN102464559		
Facility/Site Region	12-Houston	Major/Minor Source	Minor Source

CASE INFORMATION

Enf./Case ID No.	25638	No. of Violations	7
Docket No.	2005-0961-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Enf. Coordinator	A. Sunday Udoetok
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$19,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 5% Enhancement Subtotals 2, 3, & 7 \$950

Notes A five percent (5%) enhancement is given for one NOV for same or similar violations.

Culpability No 0% Enhancement Subtotal 4 \$0

Notes The respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 \$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes The respondent is not yet in compliance.

Economic Benefit 0% Enhancement* Subtotal 6 \$0

Total EB Amounts	\$2,061
Approx. Cost of Compliance	\$6,342

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$19,950

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$19,950

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$19,950

DEFERRAL

0% Reduction

Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes No deferral offered because this is not an expedited case.

PAYABLE PENALTY

\$19,950

Screening Date 31-May-2005

Docket No. 2005-0961-PST-E

PCW

Respondent Neptune International Inc. dba Pick N Pay

Policy Revision 2 (September 2002)

Case ID No. 25638

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102464559

Media [Statute] Petroleum Storage Tank

Enf. Coordinator A. Sunday Udoetok

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (<i>number of NOV's meeting criteria</i>)	1	5%
	Other written NOV's	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Please Enter Yes or No

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

A five percent (5%) enhancement is given for one NOV for same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 31-May-2005

Docket No. 2005-0961-PST-E

PCW

Respondent Neptune International Inc. dba Pick N Pay

Policy Revision 2 (September 2002)

Case ID No. 25638

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102464559

Media [Statute] Petroleum Storage Tank

Enf. Coordinator A. Sunday Udoetok

Violation Number

1

Primary Rule Cite(s)

30 Tex. Admin. Code § 115.246(7)(A), 115.246(1), 115.246(3),
115.246(4), and 115.246(6)

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failure to maintain all required Stage II records on-site and make immediately available for review upon request by a TCEQ representative. Specifically, the respondent failed to maintain a copy of the California Air Resources Board (CARB) Executive Order(s) for the Stage II vapor recovery system, daily inspection log, maintenance log for all repairs/replacements conducted, and Stage II training records.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes

The respondent did not fulfill 100% of the rule requirement.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$1,000

One single event is recommended based on the March 31, 2005 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$1,050

This violation Final Assessed Penalty (adjusted for limits) \$1,050

Economic Benefit Worksheet

Respondent Neptune International Inc. dba Pick N Pay
Case ID No. 25638
Reg. Ent. Reference No. RN102464559
Media [Statute] Petroleum Storage Tank
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$1,000	31-Mar-2005	27-Apr-2005	0.1	\$4	n/a	\$4
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to implement a record keeping system. Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$1,000**

TOTAL \$4

Screening Date 31-May-2005

Docket No. 2005-0961-PST-E

PCW

Respondent Neptune International Inc. dba Pick N Pay

Policy Revision 2 (September 2002)

Case ID No. 25638

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102464559

Media [Statute] Petroleum Storage Tank

Enf. Coordinator A. Sunday Udoetok

Violation Number 2

Primary Rule Cite(s)

30 Tex. Admin. Code § 115.242(3)(A)

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failure to maintain all components of the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable CARB Executive Order(s), and free of defects that would impair the effectiveness of the system. Specifically, there were no swivel adaptors installed on the Plus or Regular Stage I dry breaks or fill ports, and no pressure relief valve was present.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		X		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes

Failure to maintain the Stage II Vapor Recovery System in proper operating condition, could expose human health or the environment to significant amounts of pollutants which would not exceed levels that are protective of human health or the environment.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

One quarterly event is recommended based on the March 31, 2005 investigation date to the April 27, 2005 compliance date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$1,050

This violation Final Assessed Penalty (adjusted for limits) \$1,050

Economic Benefit Worksheet

Respondent Neptune International Inc. dba Pick N Pay
 Case ID No. 25638
 Reg. Ent. Reference No. RN102464559
 Media [Statute] Petroleum Storage Tank
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$300	31-Mar-2005	27-Apr-2005	0.1	\$1	n/a	\$1

Notes for DELAYED costs Estimated cost to maintain the Stage II vapor recovery components. Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs		ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)					
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$300**

TOTAL **\$1**

Screening Date 31-May-2005

Docket No. 2005-0961-PST-E

PCW

Respondent Neptune International Inc. dba Pick N Pay

Policy Revision 2 (September 2002)

Case ID No. 25638

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102464559

Media [Statute] Petroleum Storage Tank

Enf. Coordinator A. Sunday Udoetok

Violation Number 3

Primary Rule Cite(s)

30 Tex. Admin. Code § 115.245(2)

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failure to conduct required annual or triennial testing to verify proper operation of the Stage II equipment.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual				
	Potential	X			Percent 25%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent
Matrix Notes	Failure to conduct the annual or triennial tests could expose human health and the environment to significant amounts of pollutants which would exceed levels that are protective of human health or environmental receptors.				

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

	daily	
	monthly	
mark only one	quarterly	
use a small x	semiannual	
	annual	X
	single event	

Violation Base Penalty \$2,500

One annual event is recommended based on the 12-month period preceding the March 31, 2005 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$788

Violation Final Penalty Total \$2,625

This violation Final Assessed Penalty (adjusted for limits) \$2,625

Economic Benefit Worksheet

Respondent Neptune International Inc. dba Pick N Pay

Case ID No. 25638

Reg. Ent. Reference No. RN102464559

Media [Statute] Petroleum Storage Tank

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$750	31-Mar-2004	31-Mar-2005	1.0	\$38	\$750	\$788

Notes for AVOIDED costs

Estimated avoided cost to perform the required tests. Date Required is one year prior to the investigation and Final Date is the date of the investigation.

Approx. Cost of Compliance **\$750****TOTAL \$788**

Screening Date 31-May-2005

Docket No. 2005-0961-PST-E

PCW

Respondent Neptune International Inc. dba Pick N Pay

Policy Revision 2 (September 2002)

Case ID No. 25638

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102464559

Media [Statute] Petroleum Storage Tank

Enf. Coordinator A. Sunday Udoetok

Violation Number 4

Primary Rule Cite(s)

30 Tex. Admin. Code § 334.50(b)(1)(A), 334.50(b)(2), and
334.50(b)(2)(A)(i)(III)

Secondary Rule Cite(s)

Tex. Water Code § 26.3475(c)(1) and 26.3475(a)

Violation Description

Failure to provide proper release detection for the UST system. Also, the respondent failed to conduct piping and tightness test for releases and test the line leak detectors at least once a year for performance and operational reliability.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	X			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
Matrix Notes	Failure to provide the proper release detection for the UST system could result in the release of a significant amount of pollutants which would exceed levels that are protective of human health or environmental receptors.				

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended based on the March 31, 2005 investigation date to the end of the settlement period of September 30, 2005.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$94

Violation Final Penalty Total \$5,250

This violation Final Assessed Penalty (adjusted for limits) \$5,250

Economic Benefit Worksheet

Respondent Neptune International Inc. dba Pick N Pay
 Case ID No. 25638
 Reg. Ent. Reference No. RN102464559
 Media [Statute] Petroleum Storage Tank
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,700	31-Mar-2005	07-May-2006	1.1	\$94	n/a	\$94

Notes for DELAYED costs

Estimated cost to implement a release detection method. Date Required is the investigation date. Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$1,700****TOTAL** **\$94**

Screening Date 31-May-2005

Docket No. 2005-0961-PST-E

PCW

Respondent Neptune International Inc. dba Pick N Pay

Policy Revision 2 (September 2002)

Case ID No. 25638

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102464559

Media [Statute] Petroleum Storage Tank

Enf. Coordinator A. Sunday Udoetok

Violation Number 5

Primary Rule Cite(s)

30 Tex. Admin. Code § 334.48(c)

Secondary Rule Cite(s)

Violation Description

Failure to conduct effective manual or automatic inventory control procedures for the UST system.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			Percent
Release		Major	Moderate	Minor	
Actual	Potential				
					25%

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	Percent
Matrix Notes						
		Failure to provide the proper inventory control for the UST system could result in the release of a significant amount of pollutants which would exceed levels that are protective of human health or environmental receptors.				

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended based on the March 31, 2005 investigation date to the April 27, 2005 compliance date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,092

Violation Final Penalty Total \$2,625

This violation Final Assessed Penalty (adjusted for limits) \$2,625

Economic Benefit Worksheet

Respondent Neptune International Inc. dba Pick N Pay

Case ID No. 25638

Reg. Ent. Reference No. RN102464559

Media [Statute] Petroleum Storage Tank

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs		ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)					
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$1,092	31-Mar-2005	27-Apr-2005	0.0	\$0	\$1,092	\$1,092

Notes for AVOIDED costs

Estimated cost includes the amount to conduct effective inventory control per year. Date Required is the investigation date and the Final Date is the date of compliance.

Approx. Cost of Compliance **\$1,092****TOTAL** **\$1,092**

Screening Date 31-May-2005

Docket No. 2005-0961-PST-E

PCW

Respondent Neptune International Inc. dba Pick N Pay

Policy Revision 2 (September 2002)

Case ID No. 25638

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102464559

Media [Statute] Petroleum Storage Tank

Enf. Coordinator A. Sunday Udoetok

Violation Number 6

Primary Rule Cite(s) 30 Tex. Admin. Code § 334.49(c)(4) and 334.49(c)(2)(C)

Secondary Rule Cite(s) Tex. Water Code § 26.3475(d)

Violation Description

Failed to inspect and test the cathodic protection system for operability and adequacy of protection within three to six months after installation and at a subsequent frequency of at least once every three years. The respondent also failed to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components were operating properly.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			Percent
Release		Major	Moderate	Minor	
Actual	Potential				
					25%

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	Percent

Matrix Notes Failure to test and inspect the cathodic protection system could result in improper corrosion protection on the UST system and allow an undetected release of petroleum products which would exceed levels that are protective of human health or environmental receptors.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended based on the March 31, 2005 investigation date to the end of the settlement period of September 30, 2005.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$55

Violation Final Penalty Total \$5,250

This violation Final Assessed Penalty (adjusted for limits) \$5,250

Economic Benefit Worksheet

Respondent Neptune International Inc. dba Pick N Pay

Case ID No. 25638

Reg. Ent. Reference No. RN102464559

Media [Statute] Petroleum Storage Tank

Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	31-Mar-2005	07-May-2006	1.1	\$55	n/a	\$55

Notes for DELAYED costs

Estimated cost to test and inspect the cathodic protection system for the two USTs. Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs		ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)					
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$1,000****TOTAL** **\$55**

Screening Date 31-May-2005

Docket No. 2005-0961-PST-E

PCW

Respondent Neptune International Inc. dba Pick N Pay

Policy Revision 2 (September 2002)

Case ID No. 25638

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102464559

Media [Statute] Petroleum Storage Tank

Enf. Coordinator A. Sunday Udoetok

Violation Number

7

Primary Rule Cite(s)

30 Tex. Admin. Code § 334.45(c)(3)(A)

Secondary Rule Cite(s)

Violation Description

Failure to install a UL-listed emergency shutoff valve (shear or impact) on each pressurized delivery or product line and securely anchor the valve at the base of the dispenser.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		X		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
Matrix Notes				
Failure to install the emergency shutoff valves could result in the release of significant amount of petroleum products which may not exceed levels that are protective of human health or environmental receptors.				

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended based on the March 31, 2005 investigation date to the end of the settlement period of September 30, 2005.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$28

Violation Final Penalty Total \$2,100

This violation Final Assessed Penalty (adjusted for limits) \$2,100

Economic Benefit Worksheet

Respondent Neptune International Inc. dba Pick N Pay
Case ID No. 25638
Reg. Ent. Reference No. RN102464559
Media [Statute] Petroleum Storage Tank
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	31-Mar-2005	07-May-2006	1.1	\$28	n/a	\$28

Notes for DELAYED costs Estimated cost to install the required shutoff valves. Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$500**

TOTAL **\$28**

Compliance History

Customer/Respondent/Owner-Operator:	CN601270804	Neptune International Inc.	Classification: AVERAGE	Rating: 0.330
Regulated Entity:	RN102464559	PICK N PAY	Classification: AVERAGE	Site Rating: 0.33
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION		REGISTRATION	67250
Location:	2510 BERRY RD, HOUSTON, TX, 77093		Rating Date: 9/1/04 Repeat Violator: NO	
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	June 14, 2005			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	June 14, 2000 to June 14, 2005			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: A. Sunday Udoetok Phone: (512) 239 0739

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?	Yes
2. Has there been a (known) change in ownership of the site during the compliance period?	Yes
3. If Yes, who is the current owner?	<u>Neptune International Inc.</u>
4. If Yes, who was/were the prior owner(s)?	<u>Neptune International Inc.</u>
5. When did the change(s) in ownership occur?	<u>01/27/2003</u>

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 10/02/2002 (10615)

2 08/29/2000 (59458)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 08/29/2000 (59458)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.245(2)

Description: FAILURE TO COMPLY

F. Environmental audits.

N/A

Description:

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
NEPTUNE INTERNATIONAL,
INC. DBA PICK N PAY;
RN102464559**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2005-0961-PST-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Neptune International, Inc. dba Pick N Pay ("Neptune") under the authority of TEX. WATER CODE ch. 7 and 26, and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Neptune appear before the Commission and together stipulate that:

1. Neptune owned and operated a convenience store with retail sales of gasoline located at 2510 Berry Road, Houston, Harris County, Texas (the "Station"). Neptune's two underground storage tanks (USTs) were not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. Neptune's USTs contained a regulated petroleum substance as defined in the rules of the Commission. The Station consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382, TEX. WATER CODE ch. 26, and TCEQ rules.
3. The Commission and Neptune agree that the Commission has jurisdiction to enter this Agreed Order, and that Neptune is subject to the Commission's jurisdiction.
4. Neptune received notice of the violations alleged in Section II ("Allegations") on or about May 25, 2005.

5. The Executive Director recognizes that Neptune no longer owns or operates the Station.
6. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Neptune of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
7. An administrative penalty in the amount of nineteen thousand nine hundred fifty dollars (\$19,950.00) is assessed by the Commission in settlement of the violations alleged in Section II. Neptune has paid one five hundred sixty dollars (\$560.00) of the administrative penalty. The remaining amount of nineteen thousand three hundred ninety dollars (\$19,390.00) of the administrative penalty shall be payable in thirty-five (35) monthly payments of five hundred fifty-four dollars (\$554.00) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Neptune fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Neptune to meet the payment schedule of this Agreed Order constitutes the failure by Neptune to timely and satisfactorily comply with all of the terms of this Agreed Order.
8. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
9. The Executive Director of the TCEQ and Neptune have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Neptune has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

Neptune is alleged to have violated:

1. 30 TEX. ADMIN. CODE § 115.242(3)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to maintain the Stage II vapor recovery system (the "System") in proper operating condition and free of defects which would impair the effectiveness of the System, including absence or disconnection of components which are part of the approved System, as specified by the manufacture and/or any applicable California Air Resources Board ("CARB") Executive Order(s), as documented during an inspection conducted on March 31, 2005.
2. 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to verify proper operation of the System by not performing required annual and triennial testing of the System, as documented during an inspection conducted on March 31, 2005.
3. 30 TEX. ADMIN. CODE § 115.246(1), (3), (4), (6), and (7)(A), and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to maintain on-site and make immediately available for review upon request by a TCEQ representative the following records: a copy of the CARB Executive Order(s) or third-party certification(s) for the System and related components installed at the Station; a record of any maintenance conducted on the System; proof of attendance and completion of Stage II training requirements and documentation of such training for current Station employees; and a record of the results of daily inspections conducted at the Station, as documented during an inspection conducted on March 31, 2005.
4. 30 TEX. ADMIN. CODE § 334.45(c)(3)(A), by failing to have on each pressurized delivery or product line a UL-listed emergency shutoff valve installed and securely anchored at the base of the dispenser, as documented during an inspection conducted on March 31, 2005.
5. 30 TEX. ADMIN. CODE § 334.48(c), by failing to conduct effective manual or automatic inventory control for the UST system, as documented during an inspection conducted on March 31, 2005.
6. 30 TEX. ADMIN. CODE § 334.49(c)(2)(C) and (c)(4)(C), and TEX. WATER CODE § 26.3475(d), by failing to regularly inspect, at least once every sixty (60) days, the cathodic protection system, and failing to have the cathodic protection system inspected and tested by a qualified corrosion specialist or corrosion technician within three to six months after installation and at a subsequent frequency of at least once every three years, as documented during an inspection conducted on March 31, 2005.

7. 30 TEX. ADMIN. CODE § 334.50(b)(1)(A), (b)(2), and (b)(2)(A)(i)(III), and TEX. WATER CODE § 26.3475(c)(1) and (a), by failing to provide proper release detection for the UST system. Specifically, Neptune failed to monitor the tanks in a manner which would detect a release at a frequency of at least once a month (not to exceed 35 days between each monitoring), failed to have the pressurized piping line tested or monitored for releases, and failed to test the line leak detectors at least once a year for performance and operational reliability, as documented during an inspection conducted on March 31, 2005.

III. DENIALS

Neptune generally denies each allegation in Section II ("Allegations").

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Neptune pay an administrative penalty as set forth in Section I, Paragraph 7, above. The payment of this administrative penalty and Neptune's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Neptune International, Inc. dba Pick N Pay; Docket No. 2005-0961-PST-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon Neptune.
3. If Neptune fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Neptune's failure to comply is not a violation of this Agreed Order. Neptune shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Neptune shall notify the Executive Director within seven days after Neptune becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and

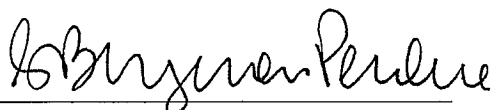
substantiated showing of good cause. All requests for extensions by Neptune shall be made in writing to the Executive Director. Extensions are not effective until Neptune receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. This Agreed Order, issued by the Commission, shall not be admissible against Neptune in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Neptune, or three days after the date on which the Commission mails notice of the Order to Neptune, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

5/19/08

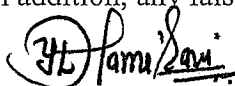
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on Neptune's compliance history;
- Greater scrutiny of any permit applications submitted by Neptune;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against Neptune;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Neptune; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

3.14.08

Date

YUSUFFALI L. HAMIRANI

Name (Printed or typed)

PRESIDENT

Title

Authorized representative of
Neptune International, Inc.